

1 MAYER BROWN LLP
Daniel L. Ring (appearance *pro hac vice*)
2 71 S. Wacker Drive
Chicago, IL 60606-4668
3 dring@mayerbrown.com
Telephone: (312) 701-8520
4 Facsimile: (312) 706-8675

5 Andrew E. Tauber (appearance *pro hac vice*)
1999 K Street, N.W.
6 Washington, D.C. 20006-1101
atauber@mayerbrown.com
7 Telephone: (202) 263-3324
Facsimile: (202) 263-5324

8 Elspeth V. Hansen (Cal. Bar No. 292193)
9 Two Palo Alto Square, Suite 300
3000 El Camino Real
10 Palo Alto, CA 94306-2112
ehansen@mayerbrown.com
11 Telephone: (650) 331-2000
Facsimile: (650) 331-2060

12 *Attorneys for Defendants St. Jude Medical, LLC,*
13 *Abbott Laboratories, and Pacesetter, Inc.*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17
18 RICHARD CONNELLY,

19 Plaintiff,

20 vs.

21 ST. JUDE MEDICAL, INC., a
Minnesota corporation; ABBOTT
22 LABORATORIES AS THE
SUCCESSOR IN INTEREST TO ST.
23 JUDE MEDICAL, INC., an Illinois
corporation; and PACESETTER, INC.,
24 dba St. Jude Cardiac Rhythm
Management Division, a Delaware
25 corporation,

26 Defendants.
27
28

Case No. 5:17-cv-02006-EJD

**STIPULATION AND ~~[PROPOSED]~~ ORDER
EXTENDING DEADLINES FOR
DEFENDANTS TO RESPOND TO
PLAINTIFF'S PLEADINGS**

Complaint Filed: April 11, 2017

1 WHEREAS, on April 11, 2017, Plaintiff Richard Connelly (“Plaintiff”) filed a Complaint
2 in the above-captioned matter;

3 WHEREAS, on June 23, 2017, Defendants St. Jude Medical, Inc., Abbott Laboratories,
4 and Pacesetter, Inc. (collectively, “Defendants”) filed a Motion to Dismiss all claims in Plaintiff’s
5 Complaint;

6 WHEREAS, on July 5, 2017, this Court approved the parties’ stipulation extending the
7 deadlines for Plaintiff’s Opposition to the Motion to Dismiss and Defendants’ Reply in support of
8 the Motion to Dismiss;

9 WHEREAS, on August 23, 2017, this Court granted in part and denied in part Defendants’
10 Motion to Dismiss and ordered Plaintiff to file an amended complaint by September 8, 2017;

11 WHEREAS, Defendants are currently required to respond to the claims that were not
12 dismissed by September 6, 2017;

13 WHEREAS, Plaintiff currently intends to file an amended complaint by September 8,
14 2017;

15 WHEREAS, Defendants named in the Amended Complaint would be required to respond
16 to an Amended Complaint filed on September 8, 2017 no later than September 22, 2017;

17 WHEREAS, given the desire to avoid filing an answer that would be mooted by the
18 Amended Complaint and that can only address a portion of the pleadings that Plaintiff intends to
19 amend, Plaintiff and Defendants agree an extension of the deadlines for Defendants to respond to
20 the Complaint is warranted to avoid piecemeal pleadings and unnecessary expense;

21 WHEREAS, in addition, given international travel previously scheduled by lead defense
22 counsel, Mr. Ring, and the complexity of the issues in this matter, Plaintiff and Defendants agree
23 an extension of the deadlines for any defendants named in the Amended Complaint to respond is
24 warranted to enable sufficient time to assess whether any further motion practice is warranted or
25 whether any defendants will instead answer the anticipated Amended Complaint;

26 WHEREAS extending these deadlines will not impact any other existing deadlines in this
27 matter.

28

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS:

- 2 1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6,
3 2017.
- 4 2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named
5 in the Amended Complaint must answer or otherwise respond no later than October
6 13, 2017.

7
8 Dated: September 1, 2017

Respectfully submitted,

9
10 /s/ Daniel L. Ring
MAYER BROWN LLP
Daniel L. Ring (appearance *pro hac vice*)
11 71 S. Wacker Drive
Chicago, IL 60606-4668
12 dring@mayerbrown.com
Telephone: (312) 701-8520
13 Facsimile: (312) 706-8675

14 Andrew E. Tauber (appearance *pro hac vice*)
1999 K Street, N.W.
15 Washington, D.C. 20006-1101
atauber@mayerbrown.com
16 Telephone: (202) 263-3324
Facsimile: (202) 263-5324

17 Elspeth V. Hansen (Cal. Bar No. 292193)
18 Two Palo Alto Square, Suite 300
3000 El Camino Real
19 Palo Alto, CA 94306-2112
ehansen@mayerbrown.com
20 Telephone: (650) 331-2000
Facsimile: (650) 331-2060

21 *Attorneys for Defendants St. Jude Medical, LLC,*
22 *Abbott Laboratories, and Pacesetter, Inc.*

23
24 /s/ Camilo Artiga-Purcell
COTCHETT, PITRE & MCCARTHY, LLP
25 Camilo Artiga-Purcell (SBN 273229)
cartigapurcell@cpmlegal.com
26 Joseph W. Cotchett (SBN 36324)
jcotchett@cpmlegal.com
27 Nanci E. Nishimura (SBN 152621;)
nnishimura@cpmlegal.com
28 San Francisco Airport Office Center

840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577

Attorneys for Plaintiff

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LOCAL RULE 5(i)(3) ATTESTATION

I, Daniel L. Ring, hereby attest, pursuant to Northern District of California, Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from each signatory.

/s/ Daniel L. Ring

[PROPOSED] ORDER

Before this Court is the parties' Stipulation and [Proposed] Order Extending Deadlines for Defendants to Respond to Plaintiff's Pleadings. The Stipulation is **GRANTED**. It is **HEREBY ORDERED** that:

1. Defendants shall not be required to respond to Plaintiff's Complaint by September 6, 2017.

2. If Plaintiff files an Amended Complaint by September 8, 2017, any defendant named in the Amended Complaint must answer or otherwise respond no later than October 13, 2017.

IT IS SO ORDERED.

Dated: September 5, 2017



Hon. Edward J. Davila
United States District Judge